

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NATANAEL RIVERA and
JOSE R. PADILLA,

ORDER

Plaintiffs,

11-cv-089-bbc

v.

GREGORY GRAMS, Warden,
KURT SCHWEBKE, JERRY MAIER,
DARCI BURRESON, JENNIFER NICKELS,
STEVE HELGERSON, DALIA SULIENE, Dr.,
JANE DOES 1-12 and JOHN DOES 1-12,

Defendants.

In an order entered in this case on February 14, 2011, I told plaintiffs Natanael Rivera and Jose Padilla that before I could consider their requests to proceed in forma pauperis, they would have to submit trust fund account statements covering the six-month period preceding the filing of their complaint so that I could assess an initial partial payment of the \$350 fee for each of them for filing this case. Plaintiff Jose Padilla has submitted the requested statement. From the statement, I have calculated Jose Padilla's initial partial payment to be \$22.54. If plaintiff Padilla does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that plaintiff is free to ask prison authorities to pay *all* of his filing fee from his release account. The only

amount plaintiff Padilla must pay at this time is the \$22.54 initial partial payment. Before prison officials take any portion of that amount from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes.

Plaintiff Natanael Rivera has not submitted a trust fund account statement or submitted a signed copy of the complaint as directed by the court in the February 14, 2011 order. However, on February 25, 2011, the court received a letter from William McDougal, a fellow prisoner at Green Bay Correctional Institution. McDougal states in his letter that plaintiff Rivera wishes to continue with this lawsuit, but has been placed on observation and is not allowed the use of paper or pens. This letter will not be given any consideration, because it is not from plaintiff Rivera. However, because the court has yet to receive any documents signed by Natanael Rivera and his name is listed on the caption of the original complaint, I will give him an enlargement of time to submit his six-month trust fund account statement and a signed copy of the complaint. Another copy of the complaint is being returned to plaintiff Natanael Rivera for his signature along with a copy of this order.

ORDER

IT IS ORDERED that

1. Plaintiff Jose Padilla is assessed \$22.54 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$22.54 on or before March 31,

2011. If, by March 31, 2011, plaintiff Padilla fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.
2. Plaintiff Natanael Rivera may have until March 31, 2011, in which to submit a signed complaint and a trust fund account statement for the period beginning August 1, 2010 and ending approximately February 1, 2011.
 3. If, by March 31, 2011, any plaintiff fails to respond to this order as directed, that plaintiff will be considered to have withdrawn from the lawsuit

Entered this 14th day of March, 2011.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge